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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David Ortiz,) No. CV 13-2097-PHX-JAT
Plaintiff,)
vs.) **ORDER**
Zurich American Insurance Company;)
Sedgwick CMS, Inc.; Kelly Thompson,)
Defendants.)

“Inquiring whether the court has jurisdiction is a federal judge’s first duty in every case.” *Belleville Catering Co. v. Champaign Market Place, L.L.C.*, 350 F.3d 691, 693 (7th Cir. 2003). In this case, the complaint fails to sufficiently plead jurisdiction. See 28 U.S.C. § 1332(c)(1); *Hertz Corp. v. Friend*, 559 U.S. 77, 80, 92-93 (2010) (discussing the citizenship of a corporation).

Accordingly,

IT IS ORDERED that by December 23, 2013, Plaintiff shall file a supplement to the complaint properly alleging federal subject matter jurisdiction, or this case will be dismissed without prejudice for lack of federal subject matter jurisdiction.

IT IS FURTHER ORDERED that XYZ Corporations and John Does 1-26 are dismissed because the Federal Rules of Civil Procedure do not permit the use of fictitious Defendants. *See, e.g.*, Fed. R. Civ. P. 10(a); *Craig v. U.S.*, 413 F.2d 854, 856 (9th Cir.), cert.

1 denied, 396 U.S. 987 (1969); *Molnar v. Nat'l Broadcasting Co.*, 231 F.2d 684, 686-87 (9th
2 Cir. 1956).

3 DATED this 9th day of December, 2013.

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7 James A. Teilborg
8 Senior United States District Judge
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